REMARKS

Claims 2-3, 5-21, 23-30, 37, 118-120, and 122-134 are pending in the present application. Claims 3, 6-12, 17, 23, 24, 29, 30, 122-125, 127-129, and 132-134 have been cancelled. Claims 135 and 136 have been added. Accordingly, Claims 2, 5, 13-16, 18-21, 25-28, 37, 118-120, 126, 130, 131, 135 and 136 will be pending upon entry of the present Amendment and Response.

Claims 5 and 37 have been amended to specify particular therapeutic agentss. Support for these amendments can be found, for example, in the specification as originally filed at least at page 22 (see e.g., lines 16-19).

Support for new claim 135 can be found, for example, in the specification as originally filed at least on page 22 (see e.g., lines 20-29). Support for new claim 136 can be found, for example, in the specification as originally filed at least on pages 19-20 (see e.g., page 19, line 16 through page 20, line 29).

No new matter has been added. The foregoing claim amendments and/or cancellations should in no way be construed as acquiescence to any of the Examiner's rejections, and have been made solely to expedite the prosecution of the application. Applicants reserve the right to pursue the claims as originally filed or as previously pending, in this or in one or more separate applications.

Applicants respectfully acknowledge the withdrawal of the rejections of claims 2, 3, 5-8, 11, 13-19, 23-26, 28-30, 37, 118-120 and 122-125 under 35 U.S.C. § 103 (a) and obvious-type double patenting based upon Trouet in view of Li, Guthiel, LaRochelle, and or Hall.

Applicants also thank the Examiner for the telephonic interview with Applicants' attorney on January 8, 2008 during which the outstanding rejections addressed below were discussed. Applicants also thank the Examiner for indicating claims 28, 119, and 128 are allowable.

Objection to Claims 3, 6-12, 23, 29, and 122-124 under 37 C.F.R. 1.75(c)

Claims 3, 6-12, 23, 29, and 122-124 are objected to under 37 C.F.R. 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. According to the Examiner, the claims "describe the target cell, TOP or inherent properties of the compound without further providing structural limitations on the compound."

Applicants respectfully disagree. However, in the interest of expediting prosecution, claims 3, 6-12, 23, 29, and 122-124 have been cancelled, thus rendering the objection to these claims moot.

Rejection of Claims 2, 3, 5-12, 18, 19, 23, 26, 29, 30, 122, 123, 126, 128, 129 and 134 under 35 U.S.C. § 102 (b)

Claims 2, 3, 5-12, 18, 19, 23, 26, 29, 30, 122, 123, 126, 128, 129 and 134 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Kania *et al.* (*J. Am. Chem. Soc.*, (1994) 116(19). In particular, the Examiner asserts that Kania *et al.* teaches the compound Suc-βAla-dPhe-Orn-Asp-Ile-Ile-Trp, wherein the "therapeutic agent is either Ile-Ile-Trp or Trp connected through an Ile-Ile linker group." Claims 3, 6-12, 23, 29, 30, 122, 123, 128, 129, and 134 have been cancelled, thus rendering the rejection of these claims moot.

Applicants respectfully disagree. As amended, the rejected claims are directed to compounds comprising a therapeutic agent, a stabilizing group and an oligopeptide of the formula $(AA)_n$-AA^3-AA^2-AA^1, wherein the therapeutic agent is selected from a particular group of agents which are <u>not</u> taught or suggested by Kania *et al.* In particular, the therapeutic agent is selected from the group consisting of alkylating agents, antiproliferative agents, tubulin binding agents, vinca alkaloids, enediynes, podophyllotoxins, podophyllotoxin derivatives, members of the pteridine family of drugs, taxanes, dolastatins, topoiosomerase inhibitors, and platinum complex chemotherapeutic agents.

Kania *et al.* only teaches compounds wherein the therapeutic agent is an amino acid (e.g., Trp) or a oligopeptide (e.g., Ile-Ile-Trp). Thus, Kania *et al.* fails to teach or suggest any compounds having a therapeutic agent selected from the group consisting of alkylating agents, antiproliferative agents, tubulin binding agents, vinca alkaloids, enediynes, podophyllotoxins, podophyllotoxin derivatives, members of the pteridine family of drugs, taxanes, dolastatins, topoiosomerase inhibitors, and platinum complex chemotherapeutic agents, as currently claimed by Applicants.

For at least the foregoing reasons, Applicants respectfully request that the rejection of claims 2, 5, 18, 19, and 26 under 35 U.S.C. § 102 (b), be reconsidered and withdrawn.

Rejection of Claims 2, 3, 5-12, 18, 19, 23, 26, 29, 30, 37, 122-124, 126, 128-131, and 134 under 35 U.S.C. § 103 (a)

Claims 2, 3, 5-12, 18, 19, 23, 26, 29, 30, 37, 122-124, 126, 128-131, and 134 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kania *et al.* (*J. Am. Chem. Soc.*, (1994) 116(19). As described above, the Examiner asserts that Kania *et al.* describe the compound Suc-βAla-dPhe-Orn-Asp-Ile-Ile-Trp, wherein the "therapeutic agent is either Ile-Ile-Trp or Trp connected through an Ile-Ile linker group." In addition, the Examiner asserts that "it would have been obvious to have placed the peptide in a pharmaceutical composition/carrier to further study the *in vivo* effectiveness of the synthesized peptides."

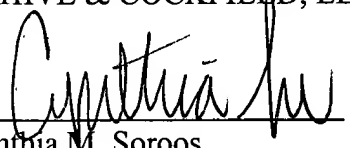
Applicants respectfully disagree. Claims 3, 6-12, 23, 29, 30, 122-124, 128, 129, and 134 have been cancelled, thus rendering the rejection of these claims moot.As currently amended, the remaining rejected claims are directed to compounds (and related pharmaceutical compositions) comprising a therapeutic agent, a stabilizing group and an oligopeptide of the formula $(AA)_n$-AA^3-AA^2-AA^1, wherein the therapeutic agent is selected from a particular group of agents which are <u>not</u> taught or suggested by Kania *et al.*. As described above, Kania *et al.* only teaches compounds wherein the therapeutic agent is an amino acid (e.g., Trp) or a oligopeptide (e.g., Ile-Ile-Trp). Kania *et al.* fail to teach of suggest pharmaceutical compositions comprising the particular therapeutic agents claimed by Applicants, e.g., alkylating agents, antiproliferative agents, tubulin binding agents, vinca alkaloids, enediynes, podophyllotoxins, podophyllotoxin derivatives, members of the pteridine family of drugs, taxanes, dolastatins, topoiosomerase inhibitors, and platinum complex chemotherapeutic agents. Indeed, the Examiner has not provided any basis whatsoever for why it would have been obvious to have employed these particular therapeutic agents, let alone in a pharmaceutical composition as claimed.

For at least the foregoing reasons, Applicants respectfully request that the rejection of claims 2, 5, 18, 19, 26, 37, 126, 130 and 131 under 35 U.S.C. § 103 (a), be reconsidered and withdrawn.

SUMMARY

It is respectfully submitted that this application is in condition for allowance. If there are any remaining issues or the Examiner believes that a telephone conversation with Applicants' Attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned at (617) 227-7400.

Respectfully submitted,
LAHIVE & COCKFIELD, LLP



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